

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

**ANILDA RODRIGUES and SARAH  
TALBOTT**, individually and on behalf of all  
others similarly situated,

*Plaintiffs,*

vs.

**BOSTON COLLEGE,**

*Defendant.*

No. 1:20-cv-11662-NMG

**STATUS REPORT, JOINT  
STIPULATION, AND [PROPOSED]  
ORDER**

Plaintiffs ANILDA RODRIGUES and SARAH TALBOTT (“Plaintiffs”) and Defendant BOSTON COLLEGE (“Defendant”) (collectively, “Parties”), by and through their respective counsel of record, hereby stipulate and make a joint application to provide an additional status report on May 13, 2024, based on the following recitals:

WHEREAS, on March 13, 2024, the U.S. Court of Appeals for the First Circuit decided *Dutra, et al v. Trustees of Boston University*, No. 23-1385 (“*Dutra*”), and held that the Section 80 of the Outside Sections of the fiscal year 2024 Massachusetts Budget is not unconstitutional under the Due Process Clause of the U.S. Constitution;

WHEREAS, on March 26, 2024, Appellants in *Dutra* filed a petition for panel rehearing and rehearing *en banc*;

WHEREAS, on April 1, 2024, Plaintiffs in this action filed an amici curiae brief in support of the *Dutra* Appellants’ petition for panel rehearing and rehearing *en banc*;

WHEREAS, the Parties have continued to confer since the *Dutra* decision and the status report previously due March 18, 2024, are awaiting a decision from the First Circuit on the petition for panel rehearing and rehearing *en banc*, and agree that in the interest of judicial economy and

conservation of court and party resources, the parties need additional time to meet and confer about a case schedule, and/or continue discussing settlement;

WHEREAS, Plaintiffs contend that questions regarding Section 80's interpretation and its constitutionality under the Massachusetts Constitution should be certified to the Massachusetts Supreme Judicial Court ("SJC"). Mass. S.J.C. Rule 1.03 § 1 (permitting any federal court to certify a question to the Massachusetts SJC if state law "may be determinative" of a case and it appears there is "no controlling precedent in the decisions of" the SJC).

### **STIPULATION**

The Parties hereby stipulate, agree, and make this joint application respectfully requesting to provide an additional status report on May 13, 2024.

### **IT IS SO STIPULATED.**

DATED: April 15, 2024

/s/ James Francis

James A. Francis, *admitted pro hac vice*  
John Soumilas, *admitted pro hac vice*  
FRANCIS MAILMAN SOUMILAS, P.C.  
1600 Market Street, Suite 2510  
Philadelphia, PA 19103  
T: (215) 735-8600  
F: (215) 940-8000  
jfrancis@consumerlawfirm.com  
jsoumilas@consumerlawfirm.com

Yvette Golan, *admitted pro hac vice*  
THE GOLAN FIRM PLLC  
2000 M Street, NW, Suite #750-A  
Washington, D.C. 20036  
T: (866) 298-4150  
F: (928) 441-8250  
ygolan@tgfirm.com

*Attorneys for Plaintiffs*

/s/ Anton Metlitsky

Anton Metlitsky, *admitted pro hac vice*  
O'MELVENY & MYERS LLP  
7 Times Square  
New York, NY 10036  
T: (212) 326-2000  
F: (212) 326-2061  
ametlitsky@omm.com

Jen Cardelús  
O'MELVENY & MYERS LLP  
400 South Hope Street  
Los Angeles, CA 90071  
T: (213) 430-6000  
F: (213) 430-6407  
jcardelus@omm.com

Matthew Powers  
O'MELVENY & MYERS LLP  
Two Embarcadero Center, 28<sup>th</sup> Floor  
San Francisco, CA 94111

T: (415) 984-8700  
F: (415) 984-8701  
mpowers@omm.com

*Attorneys for Defendant Boston College*

~~RECEIVED~~ ORDER

The Court, having reviewed the Parties' Joint Stipulation and Application to stay this matter, and **GOOD CAUSE APPEARING THEREFOR, HEREBY ORDERS AS FOLLOWS:**

The parties shall file a joint status report on May 13, 2024.

**IT IS SO ORDERED.**

Dated:

04/16/2024

Nathaniel M. Gorton  
HON. NATHANIEL M. GORTON  
U.S. District ~~Judge~~ Judge  
District of Massachusetts

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on April 15, 2024, he electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record.

/s/ Anton Metlitsky  
Anton Metlitsky